

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SECURED STRUCTURES, LLC,

Plaintiff,

v.

DIEBOLD, INCORPORATED,

Defendant.

Case No. 6:14-cv-933

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Secured Structures, LLC files this Complaint against Defendant Diebold, Incorporated, for infringement of United States Patent No. 6,134,303 (the “303 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff Secured Structures, LLC (“Plaintiff” or “Secured Structures”) is a Texas limited liability company with its principal office located in the Eastern District of Texas, at 719 W. Front Street, Suite 211, Tyler, Texas 75702.

4. Upon information and belief, Defendant Diebold, Incorporated (“Defendant”) is an Ohio corporation with a principal office located at 5995 Mayfair Road, North Canton, OH 44720. This Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

Specifically, and without limitation, Defendant is registered to do business in Texas and is or has been licensed with the Texas Department of Public Service to provide private security. Defendant's License Number with the Texas DPS is B00589.

5. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and/or continue to be used, sold, and/or offered for sale in the Eastern District of Texas.

VENUE

6. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant is deemed to reside in this District. In addition, and in the alternative, Defendant has committed acts of infringement in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 6,134,303)**

7. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

9. Plaintiff is the owner by assignment of the '303 Patent with sole rights to enforce the '303 Patent and sue infringers.

10. A copy of the '303 Patent, titled "United Home Security System," is attached hereto as Exhibit A.

11. The '303 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

12. The '303 Patent has been forward-cited in more than 30 subsequently-issued U.S. patents to date, including in U.S. patents originally assigned to such prominent companies as

General Electric Company, Tyco (via Tyco Safety Products Canada), Samsung, Siemens, and Lifeshield (as successor to InGrid, Inc.).

(Direct Infringement)

13. Defendant sells, offers for sale, and/or uses security systems that include a sensing circuit in a location to be secured, a client-side monitor/control unit including a central processing unit, a remotely located administrating and monitoring device, an alarm receiving network located remotely from the administrating and monitoring device, use of a public telecom network connecting a location to be secured to the administrating and monitoring device, and use of a public telecom network connecting the administrating and monitoring device to an alarm receiving network, all as set forth in more detail in the '303 Patent (the "Accused Instrumentalities").

14. Defendant has infringed and continues to directly infringe one or more claims of the '303 Patent, including at least claim 1, by selling, offering for sale, and/or using the Accused Instrumentalities as described in paragraph 13 above.

15. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

16. Plaintiff is in compliance with 35 U.S.C. § 287.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of all issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court to:

a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

- b) Enjoin Defendant, its agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 6,134,303 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- d) Declare this an "exceptional case" pursuant to 35 U.S.C. § 285 and award Plaintiff its attorney's fees and any other appropriate relief;
- e) Award Plaintiff pre-judgment and post-judgment interest and costs; and
- f) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: December 12, 2014

Respectfully submitted,

/s/ Craig Tadlock
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